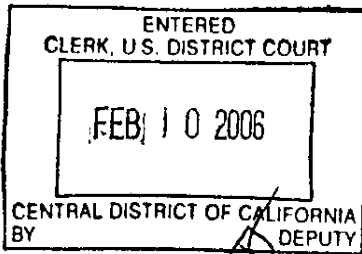


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JS-6UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

SCANNED

Case No. CV 03- 2081 PA (JWJx)

Date February 6, 2006

Title Harriet Faragi v. Provident Life and Accident Insurance Company, et al.

Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE

C. Kevin Reddick

Not Reported

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Lisa Kantor

Melissa Cowan

Proceedings: STATUS CONFERENCE

Court and Counsel confer regarding case management and the Mandate from the Ninth Circuit. The Court was initially inclined to allow the parties to brief the issues related to the application of the settlement agreement between defendant and the California Department of Insurance (the "CSA") to this action. However, a further review of the record establishes that plaintiff has rendered her appeal of defendant's 2002 claims decision moot by electing to have her claim reassessed pursuant to the CSA.

"[A] case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." City of Erie v. Pap's A.M., 529 U.S. 277, 287, 120 S. Ct. 1382, 1390, 146 L. Ed. 2d 265 (2000) (quoting County of Los Angeles v. Davis, 440 U.S. 625, 631, 99 S. Ct. 1379, 1383, 59 L. Ed. 2d 642 (1979)). Here, as plaintiff's counsel admitted during the status conference, plaintiff has elected to participate in the CSA reassessment program. As a result, plaintiff is no longer challenging the 2002 claims decision that is the subject of this action.

If plaintiff is unhappy with defendant's claims decision following the reassessment, her remedy is to file a new action challenging that decision. Unless and until that happens, there is no live case or controversy before the Court.^{1/} The Court therefore dismisses this action without prejudice.

IT IS SO ORDERED.

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d)

^{1/} During the status conference, plaintiff's counsel was reluctant to dismiss this action because of plaintiff's motion for attorneys' fees pending before the Ninth Circuit. The pendency of that motion does not alter the Court's mootness analysis. Cammermeyer v. Perry, 97 F.3d 1235, 1238 (9th Cir. 1996) ("[C]laims for attorneys' fees ancillary to the case survive independently under the court's equitable jurisdiction, and may be heard even though the underlying case has become moot." The existence of an attorneys' fees claim thus does not resuscitate an otherwise moot controversy.") (quoting Williams v. Alioto, 625 F.2d 845, 848 (9th Cir. 1980)).

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